

BACKGROUND OF COMPLAINANTS BY COUNCIL DISTRICT

CHAPTER 10

The Office of the Independent Police Auditor (IPA) utilizes a Voluntary Questionnaire to request information about the statistical background of the complainants. The sole purpose of the Voluntary Questionnaire is to monitor statistical trends in an effort to better serve the complainant and the community. This survey was implemented in April 1995 and has been tracked each year since. The complainant is asked to respond to seven questions: occupation, educational level, ethnicity, primary language, gender, age range, and how the complainant was referred to either the IPA or the PSCU. In an attempt to maximize data collection, an effort is made to collect questionnaire information from every complainant at the beginning of the complaint process. Because each complaint may have more than one complainant, the total number of questionnaires may be greater than the number of

Council Districts	Male	Female
1 LEZOTTE	8	3
2 POWERS	18	10
3 CHAVEZ	94	32
4 MATTHEWS	19	7
5 DIAZ	29	22
6 FISCALINI	16	6
7 SHIRAKAWA, JR.	25	13
8 WOODY	13	9
9 DIQUISTO	11	6
10 DANDO	13	8
Unknown/Outside City Limits	6	6
Total Complainants	252	122
%	67%	33%

Illustration 10A:

Gender of the Complainants by Council Districts

complaints received. The data gathered from each question were presented by Council District and its corresponding Council Member. Council District indicates the location where the incident that lead to a complaint occurred. Unknown/Outside City Limits mean that the location of the incident is unidentifiable or not within the San José district. The total number shown does not include Inquiry complaints which were not tracked in 1999, but will

be made available in the 2000 Year End Report.

GENDER OF THE COMPLAINANTS

Illustration 10A identifies the gender of the complainants by Council Districts for the period of January 1 through December 31, 1999. There are a total of 374 complainants filing complaints in 1999. More of male complainants (67%) than female complaints (33%) file a complaint.

Illustration 10B: Ethnicity of the Complainants by Council Districts

Council Districts	African American	Asian American	European American	Filipino American	Hispanic Latino	Native American	Vietnamese	Other	Decline
1 LEZOTTE	2	0	6	0	0	0	1	0	2
2 POWERS	2	3	7	1	10	1	0	0	4
3 CHAVEZ	21	1	16	0	37	3	3	2	43
4 MATTHEWS	4	0	2	0	6	0	3	1	10
5 DIAZ	0	1	3	1	24	0	2	0	20
6 FISCALINI	0	0	7	0	5	1	0	1	8
7 SHIRAKAWA, JR.	4	1	4	0	21	0	2	0	6
8 WOODY	2	0	3	0	5	0	1	0	11
9 DIQUISTO	0	0	5	0	2	0	1	3	6
10 DANDO	2	0	6	0	2	0	0	0	11
Unknown/Outside City Limits	1	0	3	0	6	0	0	0	2
Total Complainants	38	6	62	2	118	5	13	7	123
%	10%	2%	17%	1%	32%	1%	3%	2%	33%
% of San José Population	4.5%	21%	43%	0%	31%	0%	.5%	0%	0%

ETHNICITY OF THE COMPLAINANTS

Illustration 10B displays the ethnicity of the complainant by Council District for the period of January 1 through December 31, 1999. In this illustration, most of the complaints arise out of District 3, District 5, and District 7 incidents. The complainants that came forward to file a complaint are mostly Hispanics/Latino (32%), European American (17%), and African American (10%).

From the 1990 U.S. Census Report, this percentage is a good representation of the Hispanics/Latino in San José. However, the percentage for the European American (17%) who came forward to file a complaint is low in comparison to the European American (43%) reported to live in San José. On the other hand, the percentage for the African American (10%) is high in comparison to the African American (4.5%) representation in San José. Please note that since 123 or 33% of the com-

plainants decline to answer the Voluntary Questionnaire, it is difficult to determine if the IPA was able to serve all ethnicity living in the San José.

Since the office has been established, the IPA had requested from the community to do more outreach in the Hispanic/Latino and the Vietnamese community. Looking at Illustration 10B, the IPA has been successful in increasing awareness in those community. However, the Asian community still has not come

forward to file complaints. It is not for lack of trying. The difficulty the IPA has encountered is teaching the Asian community to speak out against the injustice to a civilian police oversight agency. The Asian community has always been a closed knit community. Most of the stories of injustice are spoken to members only. The culture itself is used to not speaking against authority in power or against a San José police officer for fear of retaliation.

Illustration 10C: Age of Complainants by Council Districts

Council Districts	Under 18	18-30	31-59	60+	Decline
1 LEZOTTE	0	2	7	0	2
2 POWERS	0	6	12	4	6
3 CHAVEZ	1	41	38	1	45
4 MATTHEWS	0	6	9	0	11
5 DIAZ	0	12	18	1	20
6 FISCALINI	0	3	10	1	8
7 SHIRAKAWA, JR.	4	9	16	0	9
8 WOODY	0	5	5	0	12
9 DIQUISTO	0	3	7	1	6
10 DANDO	0	5	5	0	11
Unknown/Outside City Limits	1	1	7	1	2
Total Complainants	6	93	134	9	132
%	2%	25%	36%	2%	35%

AGE OF THE COMPLAINANTS

Illustration 10C lists the age of the complainants by Council Districts for the period of January 1 through December 31, 1999. In this illustration, most of the complaints arise out of District 3, District 5, and District 7 incidents. The complainants that came forward to file a complaint are mostly between the age of 31-59 and between the age of 18-30. Please note that since 132 or 35% of the complainants decline to answer this portion of Voluntary Questionnaire, it is difficult to

make a broad statement like the working age group came forward to file a complaint more than any other age group or that these adults who voted for the IPA office fully utilize their rights to file a complaint.

EDUCATIONAL LEVEL OF THE COMPLAIN- ANTS

Illustration 10D lists the educational level of the complainants by Council Districts for the period of January 1 through December 31, 1999. In this illustration, the majority of the complainants are educated citizen who came forward to file a complaint. However, please note that 144 or 39% of the complainants decline to answer this portion of Voluntary Questionnaire.

Illustration 10D: Educational Level of the Complainants by Council Districts

Council Districts	High School or Below	College	Graduate	Decline
1 LEZOTTE	4	4	1	2
2 POWERS	7	14	0	7
3 CHAVEZ	37	31	9	49
4 MATTHEWS	5	7	2	12
5 DIAZ	15	11	3	22
6 FISCALINI	5	6	2	9
7 SHIRAKAWA, JR.	17	11	0	10
8 WOODY	5	4	0	13
9 DIQUISTO	3	5	3	6
10 DANDO	7	1	1	12
Unknown/Outside City Limits	3	7	0	2
Total Complainants	108	101	21	144
%	29%	27%	6%	39%

COMPLAINANT'S Oc- CUPATION

Illustration 10E lists the occupation of the complainants for the period of January 1 through December 31, 1999. In this illustration, most of the complainants are working laborer (18%) such as driver, janitor, etc.; working professional (9%) such as attorney, manager, etc.; working technical (6%) such as engineer, technician, etc.; or students (6%). Please note that 146 or 39% of the complainants decline to answer this portion of Voluntary Questionnaire.

Illustration 10E: Occupation of the Complainants

Occupation		%
Administration	18	5%
City or Govt. Employee	9	2%
Decline	146	39%
Disabled	6	2%
Homemaker	13	3%
Laborer	68	18%
Professional	32	9%
Retired	4	1%
Self-employed	5	1%
Services	15	4%
Student	23	6%
Technical	24	6%
Unemployed	11	3%
Total Complainants	374	100%

Illustration 10F: Subject Officers Receiving Complaints from Complainants by Ethnicity

Complainants	Subject Officers Receiving Complaints						% of Complainants	% of San Jose Population
	African American	Asian American	European American	Filipino American	Hispanic / Latino	Native American		
African American	3	5	22	0	7	0	11%	4.5%
Asian American	0	2	5	0	1	0	2%	21%
European American	6	6	39	0	9	0	19%	43%
Filipino American	0	0	0	0	2	0	1%	0%
Hispanic / Latino	4	15	57	2	34	0	35%	31%
Native American	0	0	5	0	1	0	2%	0%
Vietnamese	3	4	8	0	0	0	5%	.5%
Other	0	1	2	0	0	1	1%	0%
Decline	3	6	50	0	20	1	25%	100%
% of Officers receiving complaints	6%	12%	58%	1%	23%	1%	100%	
% of Officers in San Jose Police Department	5%	7%	62%	2%	23%	1%	100%	

Excluded from Illustration 10F are officers not identified cases, Policy cases, Department-Initiated cases and non-sworn officers cases.

SUBJECT OFFICERS RECEIVING COMPLAINTS FROM COMPLAINANTS BY ETHNICITY

Illustration 10F presents a view of subject officers receiving complaints from complainants by ethnicity for the period of January 1 through December 31, 1999. From each complaint, there may be more than one complainants as there maybe more than one subject officers. The tabulation is one count of the primary complainant with the corresponding

ethnicity for every subject officer(s) known in the case with their corresponding ethnicity.

The primary complainant is the first complainant listed in the case or the complainant directly interacted with or affected by the subject officer(s) at the time of the incident. For example, a case involved three officers (African American, Hispanic/Latino, White/European American) and two complainants (Hispanic/Latino as the primary complainant and White/European American as the co-complainant

or secondary complainant.) The marking in the table would show that the row Hispanic/Latino Complainants would have a total of three marks and the column for Subject Officers Receiving Complaints would have one mark for African American, one mark for Hispanic/Latino, and one mark for White/European American. Excluded from the illustration are officers not identified cases; Policy cases, which are cases against the policy of the department and not against a member of the San José Police

Department (SJPD); Department-Initiated cases, which are cases initiated by the Chief of Police and the citizen involvement is unknown or the case is a personnel issue and no citizen involved; and non-sworn officers cases.

This chart was created to see if one ethnicity of subject officer is abusing another ethnicity of complainants. However, keep in mind that there are factors that affects the reliability of the data collected. One factor is not all complainants complete the Voluntary Questionnaire. In Illustration 10F, there are 80 or 25% of all complainants declined to answer the ethnicity question.

From this illustration, it is logical to deduce that the higher group of ethnicity living in San José, the higher the percentage of that group is likely to file a complaint. However, from Illustration 10F, this deduction seems to be false. The difference in the percentage of population living in San José to the percentage of complainants filing a complaint is either too high or too low. For example,

there are 43% European American living in San José, but only 19% came forward to file a complaint. On the other hand, there are less than one percent age of Vietnamese living in San José; however, four percent (4%) came forward to file a complaint.

One possible reason may be that the San José population is based on old information, the 1990 U.S. Census.

The Hispanic/Latino complainants are the highest percentage (35%) to file a complaint. Most of these complaints are against European American officers and Hispanic/Latino officers.

Looking at Illustration 10F, all complainants from every ethnicity filed complaints mostly against the European American officers. However, keep in mind that the European American officers (62%) are the largest ethnicity hired in the SJPD and they have the least complaints against them (58%).

Both African American officers and Asian American officers

received more complaints than the percentage accounted for within the Department. For example, Asian American officers make up seven percent (7%) within the Department but they received 12% of the complaints. Most of these complaints are from Hispanic/Latino and European American complainants.